

REMARKS

The Office Action dated October 16, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-4, 6, 8-11 and 13-19 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 20-30 have been newly added. No new matter has been added and no new issues are raised which require further consideration or search.

The Abstract of the Disclosure has been objected to for containing legal phraseology. Applicants have submitted a replacement Abstract that has removed those legal terms. Accordingly, withdrawal of the objection to the Abstract is kindly requested.

Claims 1-17 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haumont et al. (U.S. Patent No. 7,023,825) in view of Pelaez et al. (U.S. Patent No. 7,167,447). Applicants submit that this rejection is improper on its face because no reference to Pelaez was included in the rejection of any of claims 1-15, 17 and 19. Therefore, the lack of motivation to combine the reference renders the rejection improper.

Furthermore, because it was clear from the body of the rejection that the Office Action intended to reject claims 1-15, 17 and 19 under §102(e) as being anticipated by Haumont. Therefore, Applicants will proceed under the assumption that claims 1-15, 17 and 19 were rejected as being anticipated by Haumont. Nevertheless, The rejection is respectfully traversed for at least the following reasons.

Haumont discloses a method for transmitting data packets in multiple data flows to and from a mobile station in a mobile communication system. A data transmission path is formed for routing the data packets. Multiple profiles are associated with the data transmission path, each profile has an assigned corresponding quality of service parameter. Scheduling and policing the transmission of individual data packets is based on the quality of service parameter of the profile associated with the data flow. Each profile is determined with a profile tag and that the profile tag indicates at least one quality of service parameter (see column 13, lines 10-15 of Haumont).

Haumont further discloses that information which is sent from the mobile station to a serving GPRS support node (SGSN) only includes the requested quality of service profiles. The quality of service information associated with the profile includes priority information, delay class information and reliability information (see column 13 lines 19-23). The quality of service information alone, as disclosed in Haumont, does not provide sufficient information to accommodate variable charges, such as, when an access node is provided by a third party. Haumont does not disclose consideration for costs, location and local loading conditions.

Haumont further fails to disclose determining the above noted types of consideration with a resource node, and thus fails to disclose “a resource node configured to manage resource for communication with said user equipment”, as recited, in part, in claim 1. The resource node may determine considerations, such as, for example, information based on localized factors such as the volume of traffic, the influencing

charges to a user, third party access nodes and local loading conditions. Haumont simply does not teach a resource node.

Haumont also does not disclose “a managing node configured to manage traffic flow, wherein said resource node and said managing node are configured so that information determined by the at least one resource node is passed between the resource node and the managing node, said managing node selecting a parameter for a new traffic flow based on said information”, as recited, in part, in claim 1.

The base station system of Haumont does not determine any information regarding the activate PDP context request. As a result, information which is sent from the mobile station to the SGSN does not contain any information which can be used to improve the flexibility in user charges or any type of user accommodation. (Emphasis added) The transmitted activate PDP context request does not contain information regarding the volume of traffic because the mobile station does not consider the volume of traffic at the resource node.

The teachings of Haumont are limited to sending information originating from the mobile station (see column 16, line 61 - column 17, line 26 of Haumont). (Emphasis added) In order for information, for example, an activate PDP context request, to be sent to the SGSN or the GGSN, the information must be sent via the base station. However, the activate PDP context request which is passed to the SGSN or the GGSN is not determined by the base station system. Therefore, Haumont does not disclose a “resource node and said managing node are configured so that information determined by the at least one resource node is passed between the resource node and the managing node, said

managing node selecting a parameter for a new traffic flow based on said information", as recited, in part, in claim 1.

For at least the reasons stated above, Haumont fails to teach all of the elements of independent claim 1, and similarly, independent claims 17 and 19. By virtue of dependency, claims 2-16 have also overcome the rejections of Haumont. Withdrawal of the rejection of claims 1-15, 17 and 19 is kindly requested.

Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Haumont in view of Pelaez, and further in view of Parks et al. (U.S. Patent No. 6,959,001). Applicants submit that this rejection is also improper on its face because no reference is made to Pelaez and thus no motivation was provided to combine Haumont, Pelaez and Parks.

Applicants will proceed under the assumption that the rejection of claim 7 was intended to be rejected under §103(a) as being unpatentable over Haumont in view of Parks. This rejection is respectfully traversed.

Haumont is discussed above. Parks discloses a method for providing telecommunications service to a customer while charging the customer based on one rate. The rate is set by the telephone company based on the distance between the endpoints of the services provided and the bandwidth specified by the customer for a particular end user. The customer chooses the type of handoff that it prefers for a protocol and the telecommunications company routes the data or telephone call in the most efficient means available while providing a throughput in accordance with the bandwidth that has been selected by the customer.

Claim 7 is dependent upon claim 1 and inherits all of the limitations thereof. As discussed above, the combination Haumont fails to disclose or suggest all of the elements of claim 1. In addition, Parks fails to cure the deficiencies in Haumont as Parks also fails to disclose or suggest “a managing node configured to manage traffic flow, wherein said resource node and said managing node are configured so that information determined by the at least one resource node is passed between the resource node and the managing node, said managing node selecting a parameter for a new traffic flow based on said information”, as recited, in part, in claim 1. Thus, the combination of Haumont and Parks fails to disclose or suggest all of the elements of claim 7. Furthermore, claim 7 should be allowed for at least its dependence upon claim 1, and for the specific limitations recited therein.

Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Haumont in view of Parks, and further in view of Guo et al. (U.S. Patent No. 6,950,398). This rejection is respectfully traversed.

Haumont and Parks are discussed above. Guo discloses a transport scheme that uses internet protocol (IP) and multi-protocol label switching (MPLS) protocols for third generation (3G) radio access networks (RAN). Label switched paths are established and managed for interconnecting base stations and radio network controllers. The process incorporates constraint-based routing and “Diffserv” to provide transport bearers that can support bandwidth provisioning and a variety of QoS requirements in the RAN.

Claim 16 is dependent upon claim 1 and inherits all of the limitations thereof. As discussed above, the combination Haumont and Parks fail to disclose or suggest all of the

elements of claim 1. In addition, Huo fails to cure the deficiencies in Haumont as Parks as Huo also fails to disclose or suggest “a managing node configured to manage traffic flow, wherein said resource node and said managing node are configured so that information determined by the at least one resource node is passed between the resource node and the managing node, said managing node selecting a parameter for a new traffic flow based on said information”, as recited, in part, in claim 1. Thus, the combination of Haumont, Parks and Huo fails to disclose or suggest all of the elements of claim 16. Furthermore, claim 16 should be allowed for at least its dependence upon claim 1, and for the specific limitations recited therein.

Claim 18 is rejected under 35 U.S.C. §102(e) as being anticipated by Guo et al. (U.S. Patent No. 6,950,398). This rejection is respectfully traversed.

Guo discloses a transport network concept for providing network services to radio access networks. Various quality of service (QoS) requirements dictate the need for flexible services for accommodating multiples traffic classes. FIG. 1 of Guo illustrates a transport network 104 with labeled switch routers (LSRs) 102.

The high level transport network configurations of FIGS. 1-4 of Guo do not address the individual needs of end user equipment. The radio network controller RNC 106 is a managing node that manages the various LSRs 102 in the network 104. The LSRs communicate with the base stations (BS 100). RNC 208 also communicates with the base station 204 (see FIG. 2). None of the elements of the networks described above communicate with the user equipment.

The entire transport network of Guo does not address the individual needs of the end user equipment. In addition, Guo fails to disclose “a managing node configured to manage traffic flow; and a resource node comprising a resource manager configured to communicate with user equipment, and an information passer configured to determine information and to pass the information to the managing node”, as recited, in part, in claim 18. (Emphasis added).

For at least the reasons stated above, Guo fails to teach all of the elements of independent claim 18. Withdrawal of the rejection of claim 18 is kindly requested.

New claims 20-30 also recite features which distinguish over Haumont, Parks, and Guo. Accordingly, claims 20-30 are also allowable over the prior art.

For at least the reasons discussed above, Applicants respectfully submit that the cited references fail to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 1-30 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Additional Claims Transmittal
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